

United States District Court
Eastern District of Texas
Tyler Division

FILED
U.S. DISTRICT COURT
EASTERN DISTRICT OF TEXAS
JUL 22 2004
DAVID J. MALAND, CLERK
BY DEPUTY

AK-NABA

X

v.
CRAIN, ET AL

X

X

X

Civil Action No. 6:04-cv-127

Request For Joinder, Consolidation, Intervention, and Class-Certification

Come Now, AK-NABA, and UNDERSIGNED MUSLIMS, in Pro Se capacity, by and through a Jailhouse Lawyer, and moves this Court for joinder, consolidation, intervention, and Class-Certification of the above cause with cause #6:04-cv-81, Gibb v. Crain, et al., and Kinte v. Stringfellow, et al., #9:03-cv-75, in the Lufkin Division. In support thereof they offer the following under penalty of perjury pursuant to 28 U.S.C. 1746:

1. Plaintiffs/Intervenors assert that the same set of facts, defendants, and claims (i.e. Equal Protection; claim pursuant to Tex. Civ. Proc. & Rem. Code, 110.003, Tex. Govt. Code, 493.024 & 76.018, and (RLUIPA) 42 U.S.C. 2000) are the basis of each lawsuit; and cause #6:04-cv-81 is being presided by the same Judges. Thus, the questions of law are common, joinder is superior to individual claims, and joinder will be the most efficient use of judicial resources to resolve these matters.

2. The Undersigned are Muslim Prisoners incarcerated in TDCJ-ID, located at the Coffield Unit, Rt. 1, Box 130, Tens. Colony, TX 75884.

3. The Undersigned are being forced to be clean-shaven by threat of disciplinary action as stipulated under AD. 3. & 3;

4. Wearing the Beard is an important part of the Islamic Faith; and which Beards are allowed for Medical Reasons, and should be allowed for Religious;

5. The Undersigned have an interest in the outcome of these causes; and
6. Plaintiffs/Intervenors assert that there are thousands (1000) of Muslims
in TDCJ, and therefore are so numerous as to make it impractical to bring
them all before the Court. There are question of law and fact (i.e. Does the
denial of a $\frac{1}{4}$ inch beard for religious reasons, while allowing a $\frac{1}{4}$ to $\frac{3}{4}$ inch
beard for medical reasons violate the Equal Protection Clause.) (i.e. Is the
clean-shaved policy the least restrictive means of furthering the State's
compelling interest in security as demanded by Tex. Civ. Proc. & Rem. Code, 110.003),
which are common to the entire class of persons represented herein, and
the Plaintiffs' claims as set forth are typical of the claims of all the members
of the class; Plaintiffs are qualified to, and will fairly, adequately, and
justly protect the interest of each and all of the members of the class, by
requesting pursuant to "THE ACT," that the United States Intervene as a
party with the full rights of a plaintiff.

CONCLUSION

Each of the causes cited herein should be joined and/or consolidated
as they are basically the same lawsuit. The Undersigned believe their interest
can only be adequately protected by certifying this as a class-action and
Appointing Counsel.

WHEREFORE, PREMISES CONSIDERED, Plaintiff and Intervenors request
this Court to GRANT this motion in all respects.

Respectfully Requested,

1. Frederick D. Gooden ^{AKA} Fattash Mu'min-al-Naba'
FREDRICK GOODEN #1013573
o.k.a. MU'MIN AL-NABA'
Coffield Unit - Rt. 1, Box 150
Tenn. Colony, TX 75884

2. Jarrett Gibb #1104016
GARRETT GIBB #1104016
Coffield Unit - Rt. 1, Box 150
Tenn. Colony, TX 75884

CERTIFICATE OF SERVICE

We, the Undersigned, do hereby certify and declare that on this date July 16, 2004, pursuant to CALDWELL v. AMEND, 30 F.3d 1199, 28 U.S.C. 1976, and under the penalty of perjury, that we have served the Defendants and Plaintiffs with the foregoing Request For Joinder, Consolidation, Intervention, and Class-Certification, by placing the Original in a sealed envelope, addressed to David J. Maland, Clerk - U.S. District Court - 211 W. Ferguson St. - Tyler, TX 75702, and by placing a copy of same in an envelop, addressed to the Texas Attorney General, postage on each pre-paid via Indigent-Mail, and placing in a U.S. Mail Depository.

1. Frederick D. Harker Father Minimal Naba
 2. Norris Hicks #505593
 3. Abdul Majeed Komangatake Hanif-Bey
 4. Deonel Hancock Bey #685322
 5. Joseph Bear #91587
 6. David Coomer #275833
 7. Billy Ray Bailey 582460
 8. Darrel Lee #831039
 9. Anthony Person #640516
 10. Donna Hiles #1104016
 11. JAMES CLARK #707355
 12. CYRUS KING # 521582
 13. Paul Richardson #665450
 14. Terry L. Bell #1990532
 15. Robert Lee Smith Jr. #1169188
 16. MacFarland #1136930
 17. Patrick Fulton 594154

18. KENDRICK Thomas 632819
 19. Don C. - DONTE CASEY #707402
 20. Bonita C. Miller # 132837
 21. Cleod Jones 8. Abdul Mateen Shahid # 563081
 22. Robert L. Russell # 112220
 23. Ahmad Buduz # 1226204
 24. Supre Whitehead # 659063
 25. Alexander Thurman # 583387
 26. David Reed # 560978
 27. Fredric Carter # 846869
 28. Hymnay Hay #
 29.
 30.
 31.
 32.

COFFIELD UNIT - Rt.1, Box 150 - TENN. COLONY, TX 75884

3. ~~Ab~~ Louis Niles # 505593
5. ~~Ab~~ Paul C. May 132837
7. Joseph Bem 141587
9. KENNEK Thomas 638819
11. Billy Ray Bailey 582460
13. AHMAD QUANZ # 1226204
15. Anthony Person # 640516
17. JAMES CLARK # 707355
19.
21. CYRUS King # 521582
23. Paul Richardson # 665450
25. Terry L. Bell # 1090532
27. Mae Jenkins # 1136930
29. Robert Lee Smith 1169188
31. Patrick Johnson # 594154
33.
35.
37.
39.
41.
43.
45.

Abdul Majid Komunyakka Hanif Bey
F. Dewel Hanif Bey #685322

6. Don G. - DONIE CASEY #1070642
See others

8. Atiq Maten Shahid #563081

10. Robert Russell #11220

12. Tyree Whithead #659063

14. Alexander Johnson #583587

16.

18. David Reed 540978

20. Lucie Carter #846869

22. Rymyshay

24.

26.

28.

30.

32.

34.

36.

38.

40.

42.

44.

46.

COFFIELD 2 UNIT - RT. 1, Box 150 - TENN. COLONY, TX 75884